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6 Attorney for Plaintiff Rodolfo F. Mendoza
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
10

11 RODOLFO FIDEL MENDOZA,
12 individually, and on behalf of a class of
similarly situated individuals,

13 Plaintiff,

14 v.
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16 GENERAL MOTORS, LLC,

17 Defendant.
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CASE NO. CV 10-2683 AHM (VBK)

Hon. A. Howard Matz

**STIPULATION TO EXTEND
BRIEFING AND HEARING
SCHEDULE FOR DEFENDANT'S
MOTION TO DISMISS FOR LACK
OF JURISDICTION OR,
ALTERNATIVELY, FOR
TRANSFER TO THE SOUTHERN
DISTRICT OF NEW YORK FOR
REFERRAL TO THE
BANKRUPTCY COURT**

1 Plaintiff Rodolfo Fidel Mendoza (“Plaintiff”) and General Motors, LLC
2 (“GM”), through their undersigned counsel, hereby stipulate and agree as follows:

3 WHEREAS, Plaintiff served a Class Action Complaint (“complaint”) in the
4 matter captioned *Mendoza et al. v. General Motors, LLC* (Case No. CV-10-2683
5 AHM (VBK)) on GM on or about May 1, 2010;

6 WHEREAS, the Court entered a June 18, 2010 Order Re: Filing of Plaintiff’s
7 First Amended Class Action Complaint and Defendant’s Response (Docket No. 12),
8 setting and/or extending the dates for:

- 9 1. filing of Plaintiff’s First Amended Class Action Complaint, by July 16,
10 2010;
- 11 2. filing of GM’s motion to dismiss the complaint, or, in the alternative,
12 transfer this action to the United States District Court for the Southern
13 District of New York pursuant to 28 U.S.C. § 1412, by August 16,
14 2010,
- 15 3. filing of Plaintiff’s Opposition to GM’s motion, by September 7, 2010;
- 16 4. filing of GM’s Reply in support of its motion, by September 20, 2010;
17 and
- 18 5. the hearing on GM’s motion, for September 27, 2010 , at 10:00 a.m.,
19 Courtroom 14, in the Central District of California, Western Division.

20 WHEREAS, Plaintiff filed his First Amended Class Action Complaint on July
21 15, 2010;

22 WHEREAS, GM filed its Motion to Dismiss for Lack of Jurisdiction or,
23 Alternatively, for Transfer to the Southern District of New York for Referral to the
24 Bankruptcy Court (Docket No. 15) (“Motion to Dismiss or Transfer”) on August 13,
25 2010;

26 WHEREAS, after reading the papers supporting GM’s Motion to Dismiss or
27 Transfer, Plaintiff has become aware of what he believes are certain complex issues
28 relating to the bankruptcy proceedings of Motors Liquidation Company f/k/a

1 General Motors Corporation ("Old GM") that he believes require extensive analysis
2 of documents filed in Old GM's bankruptcy case, which are thousands of pages
3 long;

4 WHEREAS, Plaintiff anticipates he will need two more weeks to prepare his
5 Opposition given said extensive analysis;

6 WHEREAS, the parties have discussed and agreed upon a mutually agreeable
7 modification of the current briefing and hearing schedule regarding GM's Motion to
8 Dismiss or Transfer;

9 IT IS HEREBY STIPULATED AND AGREED, through their respective
10 counsel of record, that the Court, subject to the convenience of its calendar, may
11 enter an order as follows:

- 12 1. Plaintiff will file his Opposition to GM's Motion to Dismiss or
13 Transfer by September 20, 2010;
- 14 2. GM will file its Reply in support of its Motion to Dismiss or Transfer
15 by October 4, 2010;
- 16 3. GM's Motion to Dismiss or Transfer shall be scheduled for hearing on
17 October 11, 2010, at 10: 00 a.m., Courtroom 14, in the Central District
18 of California, Western Division.

19 DATED: August 22, 2010

GREGORY R. OXFORD
ISAACS CLOUSE CROSE & OXFORD LLP

21 By: /s/
22 Gregory R. Oxford
23 Attorneys for General Motors, LLC

24 DATED: August 22, 2010

ROBERT L. STARR
THE LAW OFFICE OF ROBERT L. STARR

26 By: /s/
27 Robert L. Starr
28 Attorneys for Plaintiff

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
3

4 RODOLFO FIDEL MENDOZA,
5 individually, and on behalf of a class of
6 similarly situated individuals,

7 Plaintiff,

8 v.

9 GENERAL MOTORS, LLC,

10 Defendant.
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CASE NO. CV 10-2683 AHM (VBK)

Hon. A. Howard Matz

**[PROPOSED] ORDER
EXTENDING BRIEFING AND
HEARING SCHEDULE FOR
DEFENDANT'S MOTION TO
DISMISS FOR LACK OF
JURISDICTION OR,
ALTERNATIVELY, FOR
TRANSFER TO THE SOUTHERN
DISTRICT OF NEW YORK FOR
REFERRAL TO THE
BANKRUPTCY COURT**

14 The Court has reviewed and considered the parties' August 22, 2010
15 Stipulation to Extend Briefing and Hearing Schedule for Defendant's Motion to
16 Dismiss for Lack of Jurisdiction or, Alternatively, for Transfer to the Southern
17 District of New York for Referral to the Bankruptcy Court ("Stipulation"). Based
18 on the Stipulation and GOOD CAUSE APPEARING, it is hereby ordered that:

- 19 1. Plaintiff will file his opposition to Defendant's motion by September 20, 2010;
- 20 2. Defendant will file its reply in support of its motion by October 4, 2010;
- 21 3. Defendant's motion shall be scheduled for hearing on October 11, 2010, at
22 10: 00 a.m., Courtroom 14, in the Central District of California, Western
23 Division.
24

25 DATED: August , 2010

26 Hon. A. Howard Matz
27 United States District Court Judge
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